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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: De Francesco et al.

Serial No.: 10/085,476

Case No.: IT0002PCA

Art Unit:

Filed: February 27, 2002

Examiner:

For: METHOD FOR REPRODUCING IN VITRO THE
RNA-DEPENDENT RNA POLYMERASE AND
TERMINAL NUCLEOTIDYL TRANSFERASE
ACTIVITIES ENCODED BY HEPATITIS C VIRUS
(HCV)

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

Responsive to the notice to file missing parts mailed March 25, 2002, enclosed is an amendment providing an abstract and authorization to charge any needed fees. It is respectfully submitted that no surcharge is due for the present application because authorization to charge the filing fee was submitted when the present application was filed.

Authorization to charge the filing fee was previously provided in a request for a continuation under 37 C.F.R. 1.53(b) submitted along with the present application. Paragraph numbers 2 and 3 of the request provide a calculation of the filing fee and authorize payment of

37 C.F.R. 1.8 Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

MERCK & CO., INC.

MAILED BY: Bl H

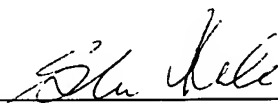
DATE: 4-23-02

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any required fees. Enclosed is a copy of the request and a postcard stamped by the patent office confirming receipt of the request.

Applicant authorizes the patent office to charge Deposit Account No. 13-2755 any fee needed for the present application (including any surcharge fee if payment of a surcharge fee is required by the patent office).

Respectfully submitted,

By 

Sheldon O. Heber
Reg. No. 38,179
Attorney for Applicant

MERCK & CO., INC.
P.O. Box 2000, RY60-30
Rahway, New Jersey 07065-0907
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Date: 4-23-02

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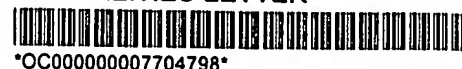
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/085,476	02/27/2002	Raffaele De Francesco	IT0002PCÄ

000210
MERCK AND CO INC
P O BOX 2000
RAHWAY, NJ 070650907



CONFIRMATION NO. 5843

FORMALITIES LETTER



OC00000007704798

Date Mailed: 03/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

05/31/2002 ~~MMRNDL~~ 00000013 132755 10085476

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION

CASE NUMBER	DATE	ATTORNEY	EXPRESS MAIL
IT00002PCA	Feb 27, 2002	SO Heber	52391587US
TITLE			10/085476
Method for reproducing in vitro the RNA-dependent RNA polymerase and terminal nucleotidyl transferase activities encoded by hepatitis C virus (HCV)			02/27/02
INVENTORS			
R. De Francesco, L. Tomei, S-E Behrens			
Application 41 pgs / No. of Claims 13 / Figures 3 pgs			
IDS Statement Ltr 2 pgs / IDS pTO-1449 2 pgs /			
Declaration 2 pgs / Sequence Listing Ltr 1 pg / Paper readable copy 8 pgs/disk /			
Prelim Amend 4 pgs /			
PTO/SB/82 1 pg / PTO/SB/81 1 pg / PTO/SB/96 1 pg			
Continuation Rule 53(b) 2 pgs / Utility Trans 2 pgs			
ACCOUNT CHARGE			
13 - 2755			\$ 740.00

F1071.3 REV.9/93

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
Washington, D.C. 20231



Prior Application:

Patent Case No.	IT0002PCA
Examiner	Hutson, R
Art Unit	1652

Sir: This is a request for filing a ☒ Continuation ☐ Divisional application, under 37 C.F.R. 1.53(b), of pending application Serial No. 08/952,981 filed on

March 23, 1998 (DATE) of De Francesco (INVENTOR)

FILE

for METHOD FOR REPRODUCING IN VITRO THE RNA-DEPENDENT RNA POLYMERASE AND TERMINAL NUCLEOTIDYL TRANSFERASE ACTIVITIES ENCODED BY HEPATITIS C VIRUS (TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 08/952,981, as filed on March 23, 1998. The entire disclosure of this prior application is hereby incorporated by reference.

2. The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Total Claims	13 - 20	0 x	\$18	\$0
Independent Claims	3 - 3	0 x	\$84	\$0
*Multiple Dependent Claims			\$280	
Basic Fee (minimum amount required)				\$740
				\$740 Total Fee

* Add this fee if application contains any multiple dependent claims, regardless of number.

3. The Assistant Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4. ☐ Amend the specification by inserting before the first line the sentence:

-- This is a ☐ continuation, ☐ division of application Serial No. _____ filed _____

5. ☐ Cancel in this application original claims: _____

6. ☐ Preliminary amendment enclosed.

7. ☐ Information Disclosure Statement/PTO-1449 enclosed.

8a. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

8b. ☐ New formal drawings are enclosed.

9a. ☒ Priority of application Serial No. RM95A000343, filed May 25, 1995, in Italy is claimed under 35 U.S.C. 119.

(COUNTRY)

9b. ☒ The certified copy of the priority application has been filed in prior application Serial No. 08/952,981 filed during the PCT stage and a certified translation was filed January 16, 2001.

10. ☒ The prior application is assigned to Istituto Di Ricerche Di Biologia Molecolare P. Angeletti S.P.A.

11. ☐ The undersigned attorney or agent has:

- a. ☐ Power in the prior application as originally filed.
b. ☐ Associate power, copy enclosed.

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Respectfully,

Sheldon O. Heber
By: Sheldon O. Heber
Attorney _____ for Applicant(s)
Registration No. 38,179
Telephone: (732) 594-1958
Address: Merck & Co., Inc.
Patent Department
P.O. Box 2000 - RY60-30
Rahway, N.J. 07065-0907
Date: 2/27/02

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT Feb 27, 2002

EXPRESS MAIL NO. EL523911587US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY Christi Caffe DATE 2-27-02

IN DUPLICATE

Enclosure